

REMARKS

The Examiner has rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. ("Smith") in view of U.S. Patent No. 1,538,230 to Gullong ("Gullong").

Claim 32 stands currently amended to clarify that the inclined surfaces of the holding element are **smooth** inclined surfaces. This amendment is supported by paragraphs [0133] and [0150] of the current Application.

Claims 1-31 and 33 stand previously canceled. Claims 32 and 34-62 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejection to current Claim 32. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. REJECTION OF CLAIM 32 UNDER 35 U.S.C. § 103(A) BASED ON SMITH IN VIEW OF GULLONG

On page 2 of the prior Office Action, the Examiner rejects Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Gullong. This rejection is respectfully traversed and believed overcome in view of the following discussion.

Amended Claim 32 states, in part:

“a **holding part** which is carried by the body part, **supported on the other side of the thin wall**, and is separate from the body part;

“wherein said **holding part is formed by two holding elements** which project in a flexible manner from the body part in the direction of its outer surface, **each** of the holding elements **having a free end** which has a smooth **inclined surface** for supporting the body part on the rim or edge of the opening without play;

“wherein the **inclined surface** of each holding element is **inclined with respect to a surface of the other side of the thin wall**.” (emphasis added)

As such, Claim 32 requires that the inclined surfaces of the holding elements are **smooth** inclined surfaces. In this way, the **smooth** inclined surfaces provide for pure friction between the inclined surfaces and the rim of the opening of the thin wall. See Current Application, ¶¶ [0134] and [0150].

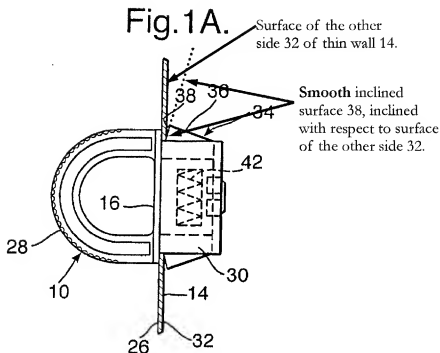
Examiner admits that Smith fails to teach or suggest two holding elements, each with an inclined surface with respect to a surface of the other side of the thin wall. Rather, Examiner points to Gullong for this teaching.

However, Gullong does **not** teach any holding element with a **smooth** inclined surface. Rather, Gullong **explicitly** teaches that the surface of the cam members 7 (which Examiner asserts disclose the holding elements of Claim 32) contacts the rim or edge of the aperture 2 is **serrated**, so as to provide for film force between the teeth provided by the serrated portion 8 and the (sharp) edge of the radiator shell 1. Gullong, Col. 2, Ln. 94 – Col. 3, Ln. 4. In other words, Gullong teaches that the surface which contacts the rim or edge of the aperture 2 is formed at a **right angle**, such that part of the serrated portion 8 is flush with the plane of the radiator shell 1 and another part of the serrated portion 8 is at a right angle so as to be flush with the inner surface of radiator shell 1 which forms the aperture 2 itself. See Gullong, Figs. 3 and 4, and Col. 3, Lns. 10-27.

As such, the force provided between the cam members 7 and the rim or edge of the aperture 2 is a **pure direct pressure** force (such as the force applied by a hand pushing a door open) and is **not a frictional force** such as that applied by the configuration of the Claim 32. As a result, the teachings of Gullong lead to delayed and stepwise adapting to remove any play. This is a disadvantage when compared to the invention of Claim 32,

which has holding members that adapt continuously (as opposed to the periodic, stepwise adaptation of the cam members 7), allowing for very fine adaptation to any play developing between the smooth, non-serrated, inclined surfaces of the holding elements and the rim of the break through in the thin wall.

An example of the arrangement of Claim 32 is clearly seen below in the annotated copy of Fig. 1A of the current Application:



Such an arrangement is very different from that of the cited references. Examiner asserts that the locking member of the handle of Smith can be replaced with the latching mechanism of Gullong to arrive at the invention of Claim 32. However, while Gullong shows two holding elements 7 arranged diametrically to one another and are acted upon by one coil spring 11, there is **no smooth** inclined surface comparable with the smooth inclined surface required by Claim 32. Instead, Fig. 4 of Gullong shows holding elements being swivelable around point 6, and **serrated** surface 8 adapts to slightly differing diameters of the aperture 2 of the radiator shell 1. The surface 8 is serrated so that a simple form locking effect can be achieved. This is very different from the self-locking friction effect achieved by the by the **smooth** inclined surfaces of the holding elements of Claim 32.

The disadvantage of the serrated surface 8 of Gullong is the fact that the distance between the teeth of the serration limits the accuracy of the adaptation to play to such distance. Conversely, the smooth inclined surface of the holding elements of Claim 32 provides friction-closure which does not show such a limited accuracy, but rather allows for adaptation without the jumping from one tooth to the next inherent in the configuration of Gullong.

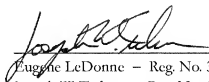
Accordingly, Applicant respectfully asserts that Examiner has failed to establish a *prima facie* case of obviousness of independent Claim 32. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. in view of U.S. Patent No. 1,538,230 to Gullong.

III. WITHDRAWN CLAIMS 34-46 AND 52-62

Withdrawn Claims 34-46 and 52-62 are each ultimately dependent from independent Claim 32. As Claim 32 is allowable, so must be Claims 34-46 and 52-62. Therefore, Applicant respectfully requests that Examiner rejoin and allow Claims 34-46 and 52-62.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



Eugene LeDonne -- Reg. No. 35,930
Joseph W. Treloar -- Reg. No. 60,975
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151
Tel.: 212.588.0800

ELD:JWT

135408-2033